## **MILWAUKEE COUNTY**

# DBE PROGRAM TRIENNIAL GOAL REPORT FOR FAA-ASSISTED PROJECTS



SUBMITTED:
U.S.DEPARTMENT OF TRANSPORTATION
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#### **EXECUTIVE SUMMARY**

Milwaukee County (County) is required to submit an overall Disadvantaged Business Enterprise (DBE) participation goal to the Federal Aviation Administration (FAA) every three years. This triennial goal report describes the methodology and the process used by the County to establish this goal for Airport Improvement Program (AIP) funding anticipated to be received during Federal Fiscal Years (FFY) 2014-2016. This report has been developed according to the United States of America Code of Federal Regulations Title 49, Part 26 (49 CFR Part 26), which mandates the design and implementation of the DBE Program.

The County Executive proposes, and the County Board authorizes, funding of projects through the County's Annual Budget process each November for the following calendar year; e.g., November 2013 for 2014. As this report is based upon anticipated projects, the County may submit a revised goal report to reflect the actual projects that will be undertaken.

The 2014-2016 overall goal is based on the availability of eligible DBE firms in regard to market availability within Southeastern Wisconsin, input from affect internal and market stakeholders, and the County's experiences with the DBE Program on AIP projects from 2010 to 2012.

The overall DBE goal for Milwaukee County's FAA-assisted contracts for FFY 2014-2016 is 20.3%. The following tables display this goal and its race-neutral and race-conscious components.

TABLE 1
OVERALL DBE GOAL FOR FFY 2014-2016

TYPE OF				
PROJECTS	RACE-NEUTRAL GOAL	RACE-CONSCIOUS GOAL	OVERALLGOAL	
	6.9%	12.8%	19.7%	
Construction	\$80,729,800 x .069 =	\$80,729,800 x .128 =	\$80,729,800 x .197 =	
	\$5,570,356	\$10,333,414	\$15,903,771	
	1.7%	21.9%	23.6%	
Professional	\$15,238,200 x .017 =	\$15,238,200 x .219 =	\$15,238,200 x .236 =	
Services	\$259,049	\$3,337,166	\$3,596,215	
	6.1%	14.2%	20.3%	
Totals	<u>\$5,829,405</u> = 0.061	<u>\$13,670,580</u> = 0.142	\$19,499,986 = 0.203	
	\$95,968,000	\$95,968,000	\$95,968,000	

Milwaukee County will begin using this overall goal on October 1, 2013.

#### PROCESS FOR GOAL SETTING

The County anticipates expanding approximately one fifth of the FAA financial assistance with DBE firms on FAA-assisted contracts for FFY 2014-2016, as detailed in Table 1. With an amount of \$95,968,000 in FAA-assisted contracts expected to be let, the County's goal will result in some \$19,499,986 being expended with DBE firms during this three year period.

In accordance with Section 26.43, the County does not utilize quotas or set asides to obtain contract participation by DBE firms.

Pursuant to Section 26.45, the overall goal is based upon the availability of ready, willing and able DBE firms in the market. The market of available firms for the County consists primarily of businesses located in seven southeastern counties within the State of Wisconsin.<sup>1</sup> The County expends the vast majority of its total contracting dollars with firms located within this region. DBE firms and non-DBE firms were used to calculate the baseline availability in the goal setting process.

In compliance with Section 26.51(a), the County will meet the maximum feasible portion of the overall goals through race-neutral means of facilitating DBE participation. Currently, the County uses the following race-neutral approaches to ensuring DBE participation: (a) encouraging prime contractors to subcontract portions of their work, which they might otherwise perform with their own forces; (b) providing assistance to prime contractors in contacting prospective DBE firms; (c) facilitating information and communication programs on contracting procedures and specific contract opportunities through website postings, electronic notifications to DBEs, and public notice publication; (d) ensuring the distribution of the DBE Directory to contractors/consultants that obtain plans and specifications or request for proposal (RFP) documents and materials; (e) encouraging the formation of joint ventures and consortia; and (f) encouraging DBE firms to act as primes.

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<sup>&</sup>lt;sup>1</sup> The seven Counties are: Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha.

#### METHODOLOGY USED FOR DETERMINING DBE GOAL

The County utilized the two-step goal setting methodology detailed in 49 CFR 26.45. This methodology was discussed with stakeholders and detailed in the preliminary goal report.

#### **IDENTIFICATION OF PROJECTS FOR FFY 2014-2016**

The County first identified the anticipated FAA-assisted projects slated for FFY 2014-2016 to determine (1) the type of projects where DBE participation was possible and (2) the number of firms in the market, and the DBE qualified firms available in the relevant NAICS codes for inclusion in the baseline formula. The County's anticipated spend is shown in Table 2.

TABLE 2
ANTICIPATED FAA-ASSISTED EXPENDITURES FOR FFY 2014-2016

FFY	Construction	Professional Services	Total Contractible Dollars
2014	\$13,595,400	\$3,414,600	\$17,010,000
2015	\$17,028,000	\$2,397,000	\$19,425,000
2016	\$50,106,400	\$9,426,600	\$59,533,000
TOTAL	\$80,729,800	\$15,238,200	\$95,968,000

#### **SELECTION OF RELEVANT NAICS CODES**

The selection of relevant NAICS codes for FFY 2014-2016 projects was based upon the anticipated design and construction projects as defined by Airport Engineering and Administration personnel. Table 3 displays the projects anticipated for this period. Actual projects undertaken are dependent upon available funding.

### TABLE 3 ANTICIPATED AIRPORT IMPROVEMENT PROJECTS 2014- 2016

	Construction Projects	2014	2015	2016
1	GMIA Airfield Safety Improvement	\$400,000	\$500,000	\$500,000
2	Airfield Pavement Rehabilitation	\$1,120,000	\$1,120,000	\$1,120,000
3	7L-25R Pavement Resurface	\$2,100,000		
4	LJT R/W & TW Rehabilitation	\$225,000		
5	GMIA Taxiway R & R3 Reconstruction	\$3,854,400	\$4,000,000	\$1,600,000
6	Security & Wildlife Deterrent Perimeter Fencing	\$291,000	\$303,000	\$309,000
7	GMIA Terminal Escalator Replace	\$650,000	\$650,000	
8	GMIA Sanitary Sewer Upgrade	\$300,000		
9	Noise Barrier Elements	\$495,000	\$495,000	
10	Ramp Electrification	\$4,160,000		
11	13-31 Pavement Resurface		\$2,600,000	
12	Perimeter Road Extension (South Maintenance)		\$3,000,000	
13	Boiler Replacement		\$320,000	
14	Runway Abrasive Materials Storage Building		\$2,240,000	
15	LJT New FBO Terminal		\$1,800,000	
16	13-31 & Taxiway S&Y Re-Cable & Relighting			\$1,300,000
17	Noise/Mini Ground Run-Up Enclosure (GRE)			\$80,000
18	Taxiway F Reconstruction			\$2,200,000
19	Replace Glass Skywalk			\$2,880,000
20	Parking Structure Preventative Maintenance Capital Repairs			\$606,400
21	Deicer Pads			\$11,260,000
22	Equipment Storage Building for Snow Plows			\$20,668,000
23	Development of Parking at Sixth Street – Phase II			\$1,311,000
24	Parking Structure Relighting			\$1,280,000
25	Noise/Aircraft Operational Study Implementation			\$260,000
26	Noise/Vacant Land Acquisition			\$520,000
27	Firehouse Garage Addition			\$1,372,000
28	Administration Building Addition			\$2,840,000
	TOTAL CONSTRUCTION PROJECTS	\$13,595,400	\$17,028,000	\$50,106,400
	Professional Services Projects			<u> </u>
1	GMIA Taxiway R & R3 Reconstruction	\$963,600	\$1,000,000	\$400,000
2	GMIA Terminal Expansion Study	\$200,000	ψ1,000,000	ψ+00,000
3	Noise Barrier Study	\$200,000		
4	Noise Monitor Study	\$1,851,000		
5	LJT New FBO Terminal	\$200,000		
6	Boiler Replacement	Ψ200,000	\$80,000	
7	Runway Abrasive Materials Storage Building		\$560,000	
8	Development of Parking at Sixth Street – Phase II		\$160,000	
9	Administration Building Addition		\$260,000	
10	Noise/Aircraft Operational Study		\$152,000	
11	Firehouse Garage Addition		\$185,000	
12	Noise/Mini Ground Run-Up Enclosure (GRE)		ψ100,000	\$20,000
13	Replace Glass Skywalk			\$720,000

14	Parking Structure Preventative Maintenance Capital Repairs			\$151,600
15	Deicer Pads			\$2,815,000
16	Parking Structure Relighting			\$320,000
17	Phase 1 (Master Plan B-1) Central Terminal Modifications			\$5,000,000
	TOTAL PROFESSIONAL SERVICE PROJECTS	\$3,414,600	\$2,397,000	\$9,426,600
	Noise Mitigation Projects			
1	Phase II Mitigation Program	\$33,451,000	\$1,000,000	\$0

After identification of the projects the relevant NAICS Codes were selected for determining the number of ready, willing and able firms to be counted in the baseline calculation.

TABLE 4
RELEVANT NAICS CODES FOR FAA-ASSISTED PROJECTS

TYPE OF PROJECT	NAICS CODES	DESCRIPTION
CONSTRUCTION	236220	Commercial Building Construction
	237110	Water & Sewer Line Construction
	237130	Power & Communication
	238110	Poured Concrete Foundation & Structure
	238120	Structural Steel & Precast Concrete
	238130	Framing
	238140	Masonry
	238150	Glass & Glazing
	238160	Roofing
	238190	Other Foundation, Structure&Bldg Exterior
	238210	Electrical
	238220	Plumbing, Heating and Air Conditioning
	238290	Other Bldg Equipment
	238310	Drywall & Insulation
	238320	Painting & Wall Covering
	238330	Flooring
	238340	Tile & Terrazzo
	238350	Finish Carpentry
	238390	Other Bldg Finishing
	238910	Site Preparation
	238990	All Other Specialty Trade
	327320	Ready-Mix Concrete Manufacturing
	332312	Fabricated Structural Steel Manufacturing
	423310	Lumber, Plywood, Millwork Wholesalers
	423320	Brick, Stone & Related Wholesalers
	423330	Roofing, Siding & Insulation Wholesalers
	423390	Other Construction Materials Wholesalers
	423610	Electrical, Wiring & Supplies Wholesalers
	423690	Other Electronic Parts Wholesalers
	423710	Hardware Wholesalers
	423720	Plumbing & Heating Wholesalers
	423730	Heating & Air-Conditioning Wholesalers
	423740	Refrigeration Supplies Wholesalers
	423810	Construction Equipment Wholesalers

	423830	Industrial Equipment Wholesalers
	423840	Industrial Supplies Wholesalers
	484110	General Freight Trucking, Local
	484121	General Freight Trucking, Long Distance
	484220	Specialized Freight Trucking, Local
	561730	Landscaping Services
	562910	Remediation Services
PROFESSIONAL SERVICES	541310	Architectural
	541320	Landscape Architectural
	541330	Engineering
	541340	Drafting
	541360	Geophysical Surveying & Mapping
	541370	Surveying & Mapping
	541380	Testing Laboratories
	541490	Other Specialized Design & Related
	541611	Administrative & General Management
	541613	Marketing Consulting
	541618	Other Management Consulting
	541620	Environmental Consulting
	541690	Other Scientific & Technical Consulting
	541820	Public Relations
	541840	Media Representatives
	541910	Market Research & Public Opinion Polling
	541990	Other Professional, Scientific & Technical

#### **DATA SOURCES**

In accordance with the provisions contained in Section 26.45, Milwaukee County used the best evidence available to determine the number of ready, willing and able DBE qualified and unqualified firms.

To obtain the **number of all available firms** the County used Census Bureau data on County Business Patterns. This information was obtained for each of the seven counties in Southeastern Wisconsin, as footnoted on Page 2.

To obtain the number of ready, willing and able DBE firms, the County used the Unified Certification Program Directory. The firms meeting the screening criteria described above were selected for inclusion in the baseline formula. The directories of other municipal and government agencies were employed to determine the availability of other small business entities currently qualified as "minority" and/or woman owned businesses in the region that could become DBE certified. The County was diligent in its review of these data sets to ensure that no duplicate firms were counted. The result is the total **number of qualified firms**.

The following resources served as the basis for development of the market availability numbers used to calculate the baseline goal numbers. Website information for these sources is listed in Appendix C of this report.

- United States of America Census Bureau Data on County Business Patterns
- Wisconsin Unified Certification Program (UCP) Directory of DBE Firms
- Wisconsin Department of Administration, Division of Enterprise Operations, State Supplier Diversity Business Certification Program Directory
- City of Milwaukee, Office of Small Business Development, Compliance Reporting and Certification System Directory

#### STEP-1: CALCULATION OF BASELINE GOAL

The following formula was used to calculate the baseline figure/goal:

Number of Qualified firms in relevant NAICS Codes = Baseline Goal Number of Qualified & Non-Qualified firms in relevant NAICS Codes

The results of application of this formula described above are displayed in Table 5.

TABLE 5
CALCULATION OF BASELINE GOAL FOR FAA-ASSISTED PROJECTS

Firms	Construction	Professional Services	Aggregate Totals
QUALIFIED FIRMS	752	357	1109
NON-QUALIFIED FIRMS	4632	980	5612
ALL FIRMS	5384	1337	6721
QUALIFIED FIRMS	752	357	1109
Goal =	= 14.0%	= 26.7%	= 16.5%
ALL FIRMS	5384	1337	6721
Weighted Spend	\$80,729,800 = \$95,968,000 <b>84.1%</b>	\$15,238,200 = \$95,968,000 <b>15.9</b> %	
Effects of weighting on Goal Calculation	0.140 X 0.841 = <b>11.8%</b>	0.267 X 0.159 = <b>4.2%</b>	0.118 + 0.042 = <b>16.0%</b>

#### STEP-2: ADJUSTMENT TO BASELINE GOAL

Several factors were investigated in determining whether to adjust the baseline goal. After extensive review, the County decided to utilize only one factor. The level of DBE participation and accomplishment during the past three years (2010-2012) was selected due to its ability to provide quantitative and qualitative data.

Using this quantifiable data set, the effects of recent DBE achievement as an adjustment factor is translated into the following formula:

# Qualified firms = Baseline Goal + Adjustment Factor = Adjusted Goal # Firms Available in Market

Applying this formula, the unweighted average of DBE availability in the market is 14.0% (in construction). This baseline was added to the median of recent participation figures for DBE firms on Construction projects during this period; 25.3%. The sum of these is 39.3%. The average of this figure is 19.7%.

For professional services, the same process results in a goal of 23.6%. The median attainment in the professional services arena is 20.5%. The baseline availability of 26.7% was the added to this, totaling 47.2%. This was then divided by two resulting in a goal of 23.6%.

TABLE 6
ADJUSTMENTS OF BASELINE BASED UPON RECENT DBE ACHIEVEMENTS

August 31, 2013

Data Sets	Construction	Professional Services	Aggregate Average
Market Availability (a)	14.0	26.7	16.5
Average of 3-Yr Totals (b)	25.3	20.5	24.2
Sum (a + b)	39.3	47.2	40.7
SUM	39.3	47.2	40.7
Goal =	= 19.7%	= 23.6%	= 20.3%
2	2	2	2

The following table summarizes the County's review of the myriad factors affecting the ability of small businesses to participate on the projects anticipated during the period covered by this goal report. A more detailed summary of some of the material researched in regard to goal setting is included as Appendix C of this report.

TABLE 7
GOAL SETTING SUMMARY FOR FAA-ASSISTED PROJECTS

		Construction	Professional Services	Overall Goal		
1.	Step-1 Market Availability	14.0%	26.7%	16.5%		
2.	Anecdotal Information on Discrimination	Assigning a numerical value to the effects of discrimination is a task beyond the capacity of County staff dedicated to goal setting, therefore the factor was not used to adjust the final goal.				
3.	Statistical Disparities	Information presented by the University of Wisconsin  – Milwaukee and other sources on the rate of minority and women business formation was considered but not incorporated into the adjustment of the final goals due to the difficulty of assigning a numerical value.				
4.	DBE Achievements (See Table 6)	(DBE capacity as indicated by the last three year DBE participation was a significant adjustment in obtaining the final goal.)  25.3%  20.5%  24.2%				
>	Adjusted Goal Percentages	19.7%	23.6%	20.3%		

<sup>&</sup>lt;sup>2</sup> See Appendix B (FAA DBE Payments for 2010-2012)

### DETERMINATION OF RACE-NEUTRAL & RACE-CONSCIOUS COMPONENTS

To breakdown the overall goal into the race-neutral and race-conscious components the County relied on its past experience. The percentage of race-neutral and race-conscious overall goal components for FFY 2014-2016, is based on the County's analysis of its DBE achievements for 2010-12 on FAA projects. The average overachievement can reasonably be used to determine the race-neutral component of the overall goal. Underachievement is an indication that the race-conscious portion should constitute a larger component of the overall goal.

Using the rationale described above, the final overall goal was adjusted to show the race-neutral and race-conscious components as displayed in Table 1.

The County will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation in accordance with Section 26.51(f). The County will track and report race-neutral and race-conscious participation separately. For reporting purposes race-neutral includes, but is not limited to, the following: participation through a prime contract when obtained through customary competitive procurement procedures; participation through a subcontract on a prime contract that does not carry a goal; participation on a contract exceeding a contract goal; and participation through a subcontract from a prime contractor that did not consider the firm's status in making the award.

### BREAKDOWN OF OVERALL GOAL INTO RACE-NEUTRAL & RACE-CONSCIOUS COMPONENTS

The DBE achievements during 2010-12 indicate that the median race-neutral attainment is 6.9% in construction and 1.7% in construction-related services, as evidenced in Appendix B. For FFY 2014-2016, it is anticipated that the overall race-neutral participation will mirror the successes of recent years. For this reason the race-neutral component of the overall goal for anticipated projects reflects past attainment, and results in 6.1%, as a weighted figure. The calculations of the race-neutral and race-conscious components of the overall goal are detailed in Table 1.

The annual overall goal stated in this report is the County's target for expending federal funds with DBE firms. Local market conditions and capacity of DBE firms in specific industry classifications at the time of award may yield differing results. The County will continue to report achievements in accordance with 49 CFR 26.11, and submit additional reporting as may be necessary to comply with the requirements of 26.47(c).

#### **GOAL IMPLEMENTATION**

#### **CONTRACT GOALS**

Following Section 26.51(e) (1) and (2) contract goals will be used to meet any portion of the overall goal that the County projects cannot be met through race-neutral participation. The County will assign contract goals only on those projects, which have subcontracting possibilities. In accordance with Section 26.51(e)(4) the County will also ensure that the assignment of contract goals will provide for the participation of all certified DBEs and will not be sub-divided into group specific goals.

The County, in compliance with Section 26.51(f), will continue to monitor DBE participation and will make necessary adjustments to ensure that the program is narrowly tailored.

The County expresses all contract goals as a percentage of the total contract amount; i.e., including local and federal funds.

#### **GOOD FAITH EFFORTS**

In accordance with Section 26.53, the County requires a bidder/proposer to submit a Certificate of Good Faith Efforts form, along with supporting documentation, in instances where the participation goal is not met.

In determining whether a bidder/proposer has demonstrated good faith in meeting the goal, the County follows the provisions detailed in Section 26.53. The County has implemented policy and procedures to provide administrative reconsideration to each bidder/proposer deemed not to have demonstrated good faith in meeting the goal, as detailed in its DBE Program Plan. As part of this administrative reconsideration, the bidder/proposer is afforded an opportunity to provide written documentation and/or verbal argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. Administrative Reconsideration is afforded when a bidder/proposer does not concur with the determination of the good faith efforts review.

The Administrative Reconsideration consists of officials who did not participate in the original determination that the bidder/proposer demonstrated less than adequate good faith efforts to meet the goal.

#### **COUNTING DBE PARTICIPATION**

The County follows crediting and counting provisions contained in Section 26.55 to determine DBE participation on all projects on which DBE firms perform as a prime or sub-contractor/consultant.

### APPENDIX A – DBE GOAL REPORT STAKEHOLDER DIRECTORY

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Member <u>Wauwatosa Chamber of Commerce</u>

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# APPENDIX B – FAA DBE PAYMENTS FOR 2010 – 2012

	2010	2011	2012	2012 (NMP)	Total	Total w/NMP
Construction						
Payments to DBEs	\$3,696,405	\$4,472,709	\$3,961,418	\$2,940,026	\$12,130,532	\$15,070,558
Race-Neutral	\$1,282,848	\$1,211,478	\$1,033,213	\$2,863,321	\$3,527,539	\$6,390,860
Race-Conscious	\$2,413,557	\$3,261,231	\$2,928,205	\$76,705	\$8,602,993	\$8,679,698
Total Contract Payments	\$16,161,207	\$17,677,977	\$14,960,560	\$4,187,942	\$48,799,744	\$52,987,686
Overall DBE Goal	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%
% DBE Achievement	22.9%	25.3%	26.5%	70.2%	24.9%	28.4%
Race-Neutral	7.9%	6.9%	6.9%	68.4%	7.2%	12.1%
Race-Conscious	14.9%	18.4%	19.6%	1.8%	17.6%	16.4%
% Difference	-2.1%	0.3%	1.5%	45.2%	-0.1%	3.4%
Professional Services						
Payments to DBEs	\$135,778	\$1,096,793	\$549,261		\$1,781,832	\$1,781,832
Race-Neutral	\$37,100	\$22,533	\$55,961		\$115,594	\$115,594
Race-Conscious	\$98,678	\$1,074,260	\$493,300		\$1,666,238	\$1,666,238
Total Contract Payments	\$316,519	\$5,361,450	\$3,372,442		\$9,050,411	\$9,050,411
Overall DBE Goal	25.0%	25.0%	25.0%		25.0%	25.0%
% DBE Achievement	42.9%	20.5%	16.3%		19.7%	19.7%
Race-Neutral	11.7%	0.4%	1.7%		1.3%	1.3%
Race-Conscious	31.2%	20.0%	14.6%		18.4%	18.4%
% Difference	17.9%	-4.5%	-8.7%		-5.3%	-5.3%
Overall Spend						
Payments to DBEs	\$3,832,183	\$5,569,502	\$4,510,679	\$2,940,026	\$13,912,364	\$16,852,390
Race-Neutral	\$1,319,948	\$1,234,011	\$1,089,174	\$2,863,321	\$3,643,133	\$6,506,454
Race-Conscious	\$2,512,235	\$4,335,491	\$3,421,505	\$76,705	\$10,269,231	\$10,345,936
Total Contract Payments	\$16,477,726	\$23,039,427	\$18,333,002	\$4,187,942	\$57,850,155	\$62,038,097
Overall DBE Goal	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%
% DBE Achievement	23.3%	24.2%	24.6%	70.2%	24.0%	27.2%
Race-Neutral	8.0%	5.4%	5.9%	68.4%	6.3%	10.5%
Race-Conscious	15.2%	18.8%	18.7%	1.8%	17.8%	16.7%
% Difference	-1.7%	-0.8%	-0.4%	45.2%	-1.0%	2.2%
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### APPENDIX C – MARKET AVAILABILITY DATA SOURCES

- United States of America Census Bureau Data on County Business Patterns <a href="http://www.census.gov/econ/cbp/">http://www.census.gov/econ/cbp/</a>
- Wisconsin Unified Certification Program (UCP) Directory of DBE Firms <a href="https://app.mylcm.com/wisdot/Reports/WisDotUCPDirectory.aspx">https://app.mylcm.com/wisdot/Reports/WisDotUCPDirectory.aspx</a>
- Wisconsin Department of Administration, Division of Enterprise Operations, State Supplier Diversity Business Certification Program Directory <a href="http://wisdp.wi.gov/search.aspx">http://wisdp.wi.gov/search.aspx</a>
- City of Milwaukee, Office of Small Business Development, Compliance Reporting and Certification System Directory <a href="https://milwaukee.diversitycompliance.com/FrontEnd/VendorSearchPublic.asp?TN=milwaukee&XID=5625">https://milwaukee.diversitycompliance.com/FrontEnd/VendorSearchPublic.asp?TN=milwaukee&XID=5625</a>